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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,335	07/21/2006	Merritt B. Andrus	49506-12	9418
	7590 09/11/200 ER GILSON & LIONE	EXAMINER		
UTAH OFFICE			NWAONICHA, CHUKWUMA O	
405 South Main Street Suite 800		ART UNIT	PAPER NUMBER	
SALT LAKE CITY, UT 84111-3400			1621	
			MAIL DATE	DELIVERY MODE
			09/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/597,335	ANDRUS ET AL.			
Office Action Summary	Examiner	Art Unit			
	CHUKWUMA O. NWAONICHA	1621			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w. - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
 1) Responsive to communication(s) filed on 21 Ju 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E 	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4)	vn from consideration.	equirement.			
Application Papers					
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the construction of the constructi	epted or b) \square objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is object to be a second constant.	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) \[\sum \] Notice of References Cited (PTO-892)	4) ☐ Interview Summary	(PTO-413)			
Notice of References Cited (PTO-992) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	nte			

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DETAILED ACTION

Claims 5-7, 9, 11, 13, 15, 17 and 55-68 are pending in the application.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group 1. Claims 5, 6, 55, 56, 58, 59, 61, 62, 64, 65, 67 and 68, drawn to a process of preparing a compound of the general formula I; classified in class 568, subclass 8+.

formula I

Group 2. Claims 7, 57, 60, 63 and 66, drawn to a process of preparing a compound of the general formula 1A3; classified in class 568, subclass 8+.

formula 1A3

Group 3. Claim 9, drawn to a process of preparing a compound of the general formula 3; classified in class 568, subclass 8+.

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formula 3

Group 4. Claim 11, drawn to a process of preparing a compound of the general formula 4; classified in class 568, subclass 8+.

formula 4

Group 5. Claim 13, drawn to a process of preparing a compound of the general formula 5; classified in class 568, subclass 8+.

formula 5

Group 6. Claim 15, drawn to a process of preparing a compound of the general formula 6; classified in class 568, subclass 8+.

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formula 6

Group 7. Claim 17, drawn to a process of preparing a compound of the general formula 7; classified in class 568, subclass 8+.

formula 7

The inventions of Groups 1-7 are independent and patentably distinct because there is no patentable co-action among the seven groups and a reference anticipating one member will not render the other obvious because the seven Groups are directed to different compounds and different processes, which require different process conditions. These seven Groups are different inventions and require different search strategies.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, a search of the seven groups designated above would impose an undue burden upon the examiner, and restriction for examination purposes as indicated is therefor proper.

A telephone call was made to Ryan Marshall on 09/2/2008 to request an oral

election to the above restriction requirement, but did not result in an election being

made.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is

571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am

to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

/Chukwuma O. Nwaonicha/ Examiner, Art Unit 1621

> /Karl J. Puttlitz/ Primary Examiner, Art Unit 1621

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Daniel Sullivan
Supervisory Patent Examiner,

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Technology Center 1600

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